

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**GARDEN CITY BOXING CLUB, INC.**

**Plaintiff,**

**INDEX NO. 06-CV 4994**

**-against-**

**ANDINA RESTAURANT CORP.  
d/b/a RESTAURANT CHIFA PERUANO  
and JAVIER TUETO**

**Defendant,**

**REQUEST TO ENTER  
DEFAULT JUDGMENT**

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To: Robert C. Heinemann, Clerk  
United States District Court  
Eastern District of New York

Please enter the default judgment of defendant, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto , pursuant to Rule 55 of the Federal Rules of Civil Procedure for failure to plead or otherwise defend this action as fully appeared from the Court file herein and from the attached Affirmation In Support by Paul J. Hooten.

Date: January 16, 2007

By: /s/ Paul J. Hooten  
Paul J. Hooten, Esq. (PJH9510)  
The Law Firm of Paul J. Hooten & Associates  
5505 Nesconset Hwy., Suite 203  
Mt. Sinai, NY 11766  
(631) 331-0547

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**GARDEN CITY BOXING CLUB, INC.**

**Plaintiff,**

**INDEX NO. 06-CV 4994**

**-against-**

**ANDINA RESTAURANT CORP.**

**d/b/a RESTAURANT CHIFA PERUANO  
and JAVIER TUCTO**

**NOTATION OF DEFAULT**

**Defendant,**

-----X

I, Robert C. Heinemann, Clerk of the Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of defendants, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: Brooklyn, New York  
2007

Robert C. Heinemann  
Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**GARDEN CITY BOXING CLUB, INC.**

**Plaintiff,**

**-against-**

**INDEX NO. 06-CV 4994**

**ANDINA RESTAURANT CORP.  
d/b/a RESTAURANT CHIFA PERUANO  
and JAVIER TUCTO**

**Defendant,**

**AFFIRMATION IN SUPPORT  
OF DEFAULT JUDGMENT**

-----X

Paul J. Hooten, hereby declares as follows:

1. I am the attorney for the plaintiff in this action.
2. This action was commenced pursuant to the defendant's unauthorized exhibition of the telecast of the event De La Hoya and Mosley II, on September 13, 2003.
3. The time for defendant, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto , to answer or otherwise move with respect to the complaint herein has expired.
4. Defendant, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto , to answer or otherwise move has not been extended.
5. The defendant, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto is not an infant or incompetent. Defendant, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto is not presently in the military service of the United States as appears from the facts in this litigation.
6. Defendant, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto is indebted to plaintiff, Garden City Boxing Club, Inc., in the following manner: See attached Summons and Complaint, annexed hereto as Exhibit "A".

As a result thereof, plaintiff was damaged in the sum of \$20,000.00, plus costs and interest.

WHEREFORE, plaintiff, Garden City Boxing Club, Inc., request that the default judgment of defendants Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto be noted and judgment be entered in favor of Plaintiff, Garden City Boxing Club Inc., and against defendants Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto .

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due an owing to plaintiff, that no part thereof has been paid, and that the disbursements sought to be taxed have not been made in this action or will necessarily be made or included in this action.

Dated: Mt. Sinai, New York  
January 16, 2007

By: /s/ Paul J. Hooten  
Paul J. Hooten, Esq. (PJH9510)  
The Law Firm of Paul J. Hooten & Assoc.  
5505 Nesconset Hwy., Suite 203  
Mt. Sinai, New York 11766  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB, INC.

Plaintiff,

INDEX NO. 06-CV 4994

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ANDINA RESTAURANT CORP.

d/b/a RESTAURANT CHIFA PERUANO

DEFAULT JUDGMENT

and JAVIER TUCTO

Defendant,

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The summons and complaint having been duly served on defendant, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto on October 20, 2006; that defendants Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto, having failed to plead or otherwise defend in this action; that the default having been duly noted, and that upon the annexed affirmation in support of the default judgment it is;

**ORDERED AND ADJUDGED**, that plaintiff Garden City Boxing Club, Inc., do recover from defendants, Andina Restaurant Corp. d/b/a Restaurant Chifa Peruano and Javier Tucto the sum of \$20,000.00, with interest at 9% from September 13, 2003, amounting to \$6,000.00; plus costs and disbursements of \$350.00, and attorney fees in the sum of \$1,000.00, for a total judgment in the amount of \$27,350.00, plus post-judgment interest at the rate at the date of this judgment.

Dated: , 2007

**SO ORDERED:**

\_\_\_\_\_  
Honorable Dora Lizette Irizarry  
United States District Judge

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**GARDEN CITY BOXING CLUB, INC.**

**Plaintiff,**

**INDEX NO. 06-CV 4994**

**-against-**

**ANDINA RESTAURANT CORP.**

**d/b/a RESTAURANT CHIFA PERUANO**

**and JAVIER TUETO**

**CERTIFICATE OF SERVICE**

**Defendant,**

-----X

I hereby certify that on this 16<sup>th</sup> day of January, 2007, a copy of the foregoing Request for Entry of Default Judgment, Default Judgment was sent by U.S. Mail to Andina Restaurant Corp., d/b/a Restaurant Chifa Peruano at 91-18 Corona Avenue, Elmhurst, NY 11373, and Javier Tucto at 91-18 Corona Avenue, Elmhurst, NY 11373.

Dated: January 16, 2007

By: /s/ Paul J. Hooten  
Paul J. Hooten, Esq.  
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Mt. Sinai, NY 11766  
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